

SENATE AGRICULTURE

EXHIBIT NO.

2

Montana Code Annotated 2011

DATE

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BILL NO.

SB 216

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76-2-902. Definitions. As used in this part, the following definitions apply:

(1) "Agricultural activity" means a condition or activity that provides an annual gross income of not less than \$1,500 or that occurs on land classified as agricultural or forest land for taxation purposes. The condition or activity must occur in connection with the commercial production of farm products and includes but is not limited to:

- (a) produce marketed at roadside stands or farm markets;
- (b) noise;
- (c) odors;
- (d) dust;
- (e) fumes;
- (f) operation of machinery and irrigation pumps;
- (g) movement of water for agricultural activities, including but not limited to use of existing county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities;
- (h) ground and aerial application of seed, fertilizers, conditioners, and plant protection products;
- (i) employment and use of labor;
- (j) roadway movement of equipment and livestock;
- (k) protection from damage from wildlife;
- (l) prevention of trespass;
- (m) construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses;
- (n) conversion from one agricultural activity to another, provided that the conversion does not adversely impact adjacent property owners;
- (o) timber harvesting, thinning, and timber regeneration;
- (p) burning and stubble and slash disposal; and
- (q) plant nursery and commercial greenhouse activities.

(2) "Commercial production of farm products" means the growing, raising, or marketing of plants or animals by the owner, owner's agent, or lessee of land that provides an annual gross income of not less than \$1,500 or that occurs on land that is classified as agricultural or forest land for taxation purposes. The term includes but is not limited to:

- (a) forages and sod crops;
- (b) dairy and dairy products;
- (c) poultry and poultry products;
- (d) livestock, including breeding, feeding, and grazing of livestock and recreational equine use;
- (e) fruits;
- (f) vegetables;
- (g) flowers;
- (h) seeds;
- (i) grasses;
- (j) trees, including commercial timber;
- (k) fresh water fish and fish products;
- (l) apiaries;
- (m) equine and other similar products; or
- (n) any other product that incorporates the use of food, feed, fiber, or fur.

History: En. Sec. 2, Ch. 309, L. 1995.

Provided by Montana Legislative Services